IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.34024 of 2008
DHARMNATH PRASAD
Versus
STATE OF BIHAR
---

2. 19.09.08. Heard learned counsel for the petitioner and the State.

The petitioner is husband of the informant apprehending his arrest in connection Complaint Case No. 1343 of 2007, registered under Sections 323, 498A, 307, 504, 406 and 420 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

Learned counsel for the petitioner submits that at the time of marriage in the year 2002, the petitioner was physically fit and relationship in between the husband and wife was cordial. Subsequently, the petitioner met with an accident and on account of accident, he became physically handicapped and also become a patient of Hepatitis B. Considering the physical disability of the petitioner, the complainant herself left him. She has also left one four years child in the custody of the petitioner. It has also been submitted that a Divorce Case as well as a Maintenance Case are pending in the Family Court.

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Considering all the facts and circumstances, prayer on behalf of the petitioner Dharmnath Prasad for grant of anticipatory bail in connection with Complaint Case No. 1343 of 2007 is allowed on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sadar, Sitamarhi subject to the conditions as laid down under Sub Section 2 of Section 438 of Code of Criminal Procedure.

The petitioner is also directed to pay Rs. 1,000/- per month to the complainant with effect from August, 2008 till the date of any order regarding payment of maintenance is passed by the Family Court in Maintenance Case.

Regarding arrears of maintenance, the Family Court will decide the matter and pass necessary orders.

m.p. **(Mridula Mishra, J.)**

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